

# House Study Bill 635 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

## A BILL FOR

1 An Act relating to certain personal information under the  
2 authority of local officials and including effective date  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   331.910   Limit of public access and  
2   redaction of certain personal information — request.

3     1. Notwithstanding chapter 22, an eligible person may file  
4   a request in writing with a local official on a form prescribed  
5   by the department of public safety, in consultation with the  
6   Iowa county recorders association, to prohibit the general  
7   public from accessing the eligible person's name, residential  
8   address, and telephone number, as identified by the eligible  
9   person, that are contained in instruments, books, records,  
10   indexes, and other information under the authority of the  
11   local official, including information displayed for access on  
12   an internet site, and including but not limited to books and  
13   records kept by the county auditor under section 331.508, books  
14   and records kept by the county recorder under section 331.607,  
15   assessment rolls and records kept by the local assessor, and  
16   the portions of the county system under the authority of the  
17   local official. An eligible person may also request that  
18   the name, residential address, and telephone number of any  
19   immediate family member of the eligible person be restricted  
20   and redacted in the same manner as the information of the  
21   eligible person.

22    2. Within fifteen days of receiving the request, the local  
23   official shall redact the eligible person's name, residential  
24   address, and telephone number from all instruments, books,  
25   records, indexes, and other information kept by that local  
26   official and shall ensure that such information does not  
27   appear in search results on an internet site maintained by  
28   the local official. The restriction on public access and the  
29   requirements for redaction shall apply to instruments, books,  
30   records, indexes, and other information in possession of the  
31   local official at the time of the request and to instruments,  
32   books, records, indexes, and other information received  
33   or contained in documents or records prepared by the local  
34   official after receiving the request.

35    3. This section shall not be interpreted to prohibit

1 access to the instruments, books, records, indexes, and other  
2 information in possession of the local official by parties  
3 to the instrument, a peace officer performing the officer's  
4 official duties, an attorney or abstractor participating in the  
5 title guaranty program under chapter 16, or an escrow agent, or  
6 access required pursuant to a court order.

7 4. For purposes of this section:

8 *a. "Eligible person"* includes an attorney general, county  
9 attorney, peace officer, or prosecuting attorney as defined  
10 in section 801.4, or a judicial officer as defined in section  
11 602.1101.

12 *b. "Local official"* means a county auditor, county  
13 treasurer, county recorder, or local assessor.

14 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
15 3, shall not apply to this Act.

16 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 This bill provides that an eligible person may file a  
22 request in writing with one or more local officials to  
23 prohibit the general public from accessing the eligible  
24 person's name, residential address, and telephone number that  
25 are contained in instruments, books, records, indexes, and  
26 other information under the authority of the local official,  
27 including information displayed on an internet site. The bill  
28 defines "eligible person" to include an attorney general,  
29 county attorney, peace officer, or prosecuting attorney as  
30 defined in Code section 801.4, or a judicial officer as defined  
31 in Code section 602.1101. The bill defines "local official"  
32 to mean a county auditor, county treasurer, county recorder,  
33 or local assessor. The bill also allows an eligible person  
34 to request that the name, residential address, and telephone  
35 number of any immediate family member of the eligible person be

1 restricted and redacted in the same manner as the information  
2 of the eligible person.

3     The bill requires the local official to, within 15 days  
4 of receiving a request, redact the eligible person's name,  
5 residential address, and telephone number from all instruments,  
6 books, records, indexes, and other information kept by that  
7 local official and ensure that such information does not appear  
8 in search results on an internet site maintained by the local  
9 official.

10     The bill provides that the restriction on public access  
11 and the requirement for redaction shall not be interpreted to  
12 prohibit access to the instruments, books, records, indexes,  
13 and other information in possession of the local official  
14 by parties to the instrument, a peace officer performing  
15 the officer's official duties, an attorney or abstractor  
16 participating in the title guaranty program, or an escrow  
17 agent, or access required pursuant to a court order.

18     The bill may include a state mandate as defined in Code  
19 section 25B.3. The bill makes inapplicable Code section 25B.2,  
20 subsection 3, which would relieve a political subdivision from  
21 complying with a state mandate if funding for the cost of  
22 the state mandate is not provided or specified. Therefore,  
23 political subdivisions are required to comply with any state  
24 mandate included in the bill.

25     The bill takes effect upon enactment.